

REMARKS

This application has been carefully reviewed in light of the Office Action dated July 5, 2006. Claims 1 to 14 and 100 to 103 are pending in the application, with Claims 1, 8, and 100 being independent. Claims 100 to 103 have been newly added. Claims 1 and 8 have been amended herein. Non-elected Claims 15 to 99 have been cancelled without Applicants' right to present these claims in a later-filed divisional application. Reconsideration and further examination are respectfully requested.

Claims 1 to 4, 6 to 11, 13 and 14 were rejected under 35 U.S.C. § 102(e) over U.S. Patent Application Publication No. 2005/0060198 (Bayne); and Claims 5 and 12 were rejected under 35 U.S.C. § 103(a) over Bayne in view of U.S. Patent No. 5,363,842 (Mishelevich). These rejections are respectfully traversed.

According to a feature of the invention as recited by Claims 1 and 8, the portable terminal has an emergency notification switch for causing the portable terminal to enter an emergency notification mode. According to a feature of the invention as recited by Claim 100, an emergency notification for causing the portable terminal to enter an emergency notification mode is received from the portable terminal through a network.

Neither Bayne nor Mishelevich, even in combination, assuming, *arguendo*, that such could be combined, is seen to disclose or suggest at least the above-discussed features.

As described in Bayne, the patient's home 100 includes a telephone 102, an internet capable communication device 104, and an internet capable medical device 106. See Bayne, Figure 1. However, nowhere is Bayne seen to describe that the devices 102, 104, and 106 have an emergency notification switch for causing the devices to enter an

emergency notification mode, or that an emergency notification for causing the devices 102, 104, and 106 to enter an emergency notification mode is received from the devices through a network.

Rather, as described in Bayne, a patient contacts a call center 110 and answers some questions regarding his/her medical condition. Based on these answers, the call center 110 (in particular, the triage processing block 114) determines whether the patient's condition presents a life-threatening situation. See page 6, paras. [0068] to [0071], and Figure 4, step 412.

Furthermore, nothing in Mishelevich is seen to remedy the foregoing deficiencies of Bayne.

According to another feature of the invention as recited by Claim 100, the user information is stored in the portable terminal. Bayne and Mishelevich also are not seen to disclose or suggest this feature.


It is Applicants' understanding that in Bayne, patient data is not stored in the patent's devices 102, 104, and 106. Instead, the patient data is stored in a clinician device 140. See, for example, page 7, para. [0086] of Bayne.

In addition, Mishelevich has been reviewed and is not seen to remedy this deficiency of Bayne.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be directed to
our below-listed address.

Respectfully submitted,



Damond E. Vadnais
Attorney for Applicants
Registration No.: 52,310

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

CA_MAIN 121322v1